

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 423 of 2018

Arising Out of Special Case No.-186 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Gurmail Singh S/o Bakhshish Singh, resident of House No. B- 1/106, Eisa Nagar, Old Ward No. 1, Village- Suranasi, Teh- Jalandhar-2, District- Jalandhar, PIN- 144001, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurav Suman, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-11-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. Though the Court finds that the petition suffers from non joinder of official parties inasmuch as, the criminal case was filed by the Directorate of Revenue Intelligence, Regional Unit, Patna, which is under the Government of India, but it has not been made party. However, the Court has proceeded to hear the matter.

3. The petitioner has moved the Court against the order dated 09.03.2018 passed in Special Case No. 186 of 2017, by the Sessions Judge, Patna refusing to release his vehicle.

4. The vehicle of the petitioner, which is a truck bearing Registration No. PB-O8DG-0278 is charged of carrying 1445



Kgs. of *ganja*, which according to the prosecution was being transported from Tripura and was to be unloaded between Fatuha More and Didarganj Toll Plaza in the district of Patna.

5. Learned counsel for the petitioner submitted that the truck was carrying scrap materials and the procedure required for such search and seizure was not followed and also that he being the owner of the vehicle, the same should be released in his favour.

6. Learned APP, from the materials on record, especially the complaint made by the Intelligence Officer, Directorate of Revenue Intelligence, Regional Unit, Patna, dated 07.12.2017 to the District and Sessions Judge, Civil Court, Patna submitted that from the body of the truck 56 packets of *ganja* were recovered in white colour plastic sacks and the gross weight of the same was 1445 Kgs. It was submitted that the same being contraband material and the quantity shows that a regular business of smuggling was being undertaken. It was further submitted that the seizure has been made which is required to be confiscated under Section 60(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985.



7. On a query of the Court to learned counsel for the petitioner as to what is the explanation for such huge amount of *ganja* being found on the truck, no answer was forthcoming.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application.

9. Accordingly, the same is dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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